

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# **HOUSE BILL 2339**

AN ACT

AMENDING SECTION 41-1713, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 41-1713, Arizona Revised Statutes, is amended to  
3 read:

4           41-1713. Powers and duties of director: authentication of  
5           records

6           A. The director of the department shall:

7           1. Be the administrative head of the department.

8           2. Subject to the merit system rules, appoint, suspend, demote,  
9 promote or dismiss all other classified employees of the department upon the  
10 recommendation of their respective division superintendent. The director  
11 shall determine and furnish the law enforcement merit system council  
12 established by section 41-1830.11 with a table of organization. The  
13 superintendent of each division shall serve at the concurrent pleasure of the  
14 director and the governor.

15           3. Make rules necessary for the operation of the department.

16           4. Annually submit a report of the work of the department to the  
17 governor and the legislature, or more often if requested by the governor or  
18 the legislature.

19           5. Appoint a deputy director with the approval of the governor.

20           6. Adopt an official seal ~~which shall contain~~ THAT CONTAINS the words  
21 "department of public safety" encircling the seal of this state as part of  
22 its design.

23           7. Investigate, on receipt, credible evidence that a licensee or  
24 registrant has been arrested for, charged with or convicted of an offense  
25 that would preclude the person from holding a license or registration  
26 certificate issued pursuant to title 32, chapter 26.

27           8. Cooperate with the Arizona-Mexico commission in the governor's  
28 office and with researchers at universities in this state to collect data and  
29 conduct projects in the United States and Mexico on issues that are within  
30 the scope of the department's duties and that relate to quality of life,  
31 trade and economic development in this state in a manner that will help the  
32 Arizona-Mexico commission to assess and enhance the economic competitiveness  
33 of this state and of the Arizona-Mexico region.

34           9. Adopt and administer the breath, blood or other bodily substances  
35 test rules pursuant to title 28, chapter 4.

36           10. Develop procedures to exchange information with the department of  
37 transportation for any purpose related to sections 28-1324, 28-1325, 28-1326,  
38 28-1462 and 28-3318.

39           11. Collaborate with the state forester in presentations to legislative  
40 committees on issues associated with wildfire prevention, suppression and  
41 emergency management as provided by section 37-622, subsection B.

42           B. The director may:

43           1. Issue commissions to officers of the department.

44           2. Request the cooperation of the utilities, communication media and  
45 public and private agencies and any sheriff or other peace officer in any

1 county or municipality, within the limits of their respective jurisdictions  
2 when necessary, to aid and assist in the performance of any duty imposed by  
3 this chapter.

4       3. Cooperate with any public or private agency or person to receive or  
5 give necessary assistance and may contract for such assistance subject to  
6 legislative appropriation controls.

7       4. Utilize the advice of the board and cooperate with sheriffs, local  
8 police and peace officers within the state for the prevention and discovery  
9 of crimes, the apprehension of criminals and the promotion of public safety.

10      5. Acquire in the name of the state, either in fee or lesser estate or  
11 interest, ~~any~~ ALL real or ANY personal property ~~which~~ THAT the director  
12 considers necessary for the department's use, by purchase, donation,  
13 dedication, exchange or other lawful means. All acquisitions of personal  
14 property pursuant to this paragraph shall be made as prescribed in chapter 23  
15 of this title unless otherwise provided by law.

16      6. Dispose of any property, real or personal, or any right, title or  
17 interest ~~therein~~ IN THE PROPERTY, when the director determines that ~~such~~ THE  
18 property is no longer needed or necessary for the department's use.  
19 Disposition of personal property shall be as prescribed in chapter 23 of this  
20 title. The real property shall be sold by public auction or competitive  
21 bidding after notice published in a daily newspaper of general circulation,  
22 not less than three times, two weeks ~~prior to~~ BEFORE the sale and subject to  
23 the approval of the director of the department of administration. When real  
24 property is sold, it shall not be sold for less than the appraised value as  
25 established by a competent real estate appraiser. Any ~~funds~~ MONIES derived  
26 from the disposal of real or personal property shall be deposited, PURSUANT  
27 TO SECTIONS 35-146 AND 35-147, in the Arizona highway patrol fund as  
28 authorized by section 41-1752, subsection B, paragraph 6.

29      7. Sell, lend or lease personal property directly to any state, county  
30 or local law enforcement agency. ~~Such~~ Personal property may be sold or  
31 leased at a predetermined price without competitive bidding. Any state,  
32 county or local law enforcement agency receiving ~~such~~ PERSONAL property may  
33 not resell or lease ~~such~~ THE property to any person or organization except  
34 for educational purposes.

35      8. Dispose of surplus property by transferring ~~such~~ THE property to  
36 the department of administration for disposition to another state budget unit  
37 or political subdivision if ~~such~~ THE state budget unit or political  
38 subdivision is not a law enforcement agency.

39      9. Lease or rent personal property directly to any state law  
40 enforcement officer for the purpose of traffic safety, traffic control or  
41 other law enforcement related activity.

42      10. Sell for one dollar, without public bidding, the department issued  
43 handgun or shotgun to a department officer on duty related retirement  
44 pursuant to title 38, chapter 5, article 4. Any ~~funds~~ MONIES derived from  
45 the sale of the handgun or shotgun to the retiring department officer shall

1 be deposited, pursuant to sections 35-146 and 35-147, in the Arizona highway  
2 patrol fund as authorized by section 41-1752, subsection B, paragraph 6.

3       11. Conduct state criminal history records checks for the purpose of  
4 updating and verifying the status of current licensees or registrants who  
5 have a license or certificate issued pursuant to title 32, chapter 26. The  
6 director shall investigate, ~~upon~~ ON receipt, credible evidence that a  
7 licensee or registrant has been arrested for, charged with or convicted of an  
8 offense that would preclude the person from holding a registration  
9 certificate issued pursuant to title 32, chapter 26.

10      12. Grant a maximum of two thousand eighty hours of industrial injury  
11 leave to any sworn OR CIVILIAN department employee who is injured in the  
12 course of ~~the employee's duty~~ PERFORMING OR ASSISTING IN LAW ENFORCEMENT OR  
13 HAZARDOUS DUTIES and whose work-related injury prevents the employee from  
14 performing the normal duties of that employee's classification. This  
15 industrial injury leave is in addition to any vacation or sick leave earned  
16 or granted to the employee and does not affect the employee's eligibility for  
17 any other benefits, including workers' compensation. On retirement or  
18 separation from the department ~~or on reclassification to civilian status~~, the  
19 employee forfeits any unused industrial injury leave and is not eligible for  
20 payment pursuant to section 38-615. Subject to approval by the law  
21 enforcement merit system council, the director shall adopt rules and  
22 procedures regarding industrial injury leave hours granted pursuant to this  
23 paragraph.

24       C. The director and any employees of the department ~~which~~ THAT the  
25 director designates in writing may use the seal adopted pursuant to  
26 subsection A, paragraph 6 of this section to fully authenticate any  
27 department records and copies of these records. These authenticated records  
28 or authenticated copies of records shall be judicially noticed and shall be  
29 received in evidence by the courts of this state without any further proof of  
30 their authenticity.